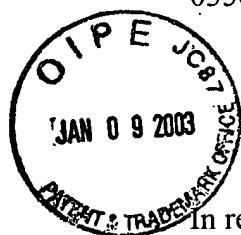


36 37

03560.002190 (35.G2190)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: )  
Yuji INOUE, et al. ) Examiner: D. Dorsey  
Appln. No.: 09/096,515 ) Group Art Unit: 3637  
Filed: June 12, 1998 )  
  
For: BUILDING MATERIAL, RECEIVED January 9, 2003  
CLADDING ASSEMBLY, )  
METHOD OF INSTALLING JAN 10 2003  
BUILDING MATERIAL, AIR  
FLOWING APPARATUS, AND  
GENERATOR : GROUP 3600

Commissioner for Patents  
Washington, DC 20231

REQUEST FOR WITHDRAWAL OF ERRONEOUS NOTICE OF ABANDONMENT

Sir:

Applicants respectfully submits that the Notice of Abandonment mailed December 16, 2002, was issued erroneously because Applicants timely filed a Response to Office Action and Petition for Extension of Time on December 6, 2002. Therefore, Applicants request that the Commissioner restore the above-identified application to pending status and consider the December 6, 2002 Response on the merits.

FACTS

- 1) Applicants received an Office Action mailed June 6, 2002.

2) Applicants filed a Response to Office Action and Petition for Extension of Time with a Certificate of Mailing on December 6, 2002. In that Paper, Applicants petitioned for a three month extension and submitted the requisite fee. Applicants also filed an Information Disclosure Statement citing four documents on that date. Attached as Appendix A are copies of those papers as filed, including the certificate of mailing. A copy of the postcard bearing a U.S. Patent and Trademark Office mailroom stamp of December 12, 2002, acknowledging receipt of these papers, is also attached in Appendix A.

3) Applicants received the Notice of Abandonment mailed December 16, 2002, in the above identified application, stating that no reply to the Office Action mailed June 6, 2002 has been received by the U.S. Patent and Trademark Office.

**RELIEF REQUESTED**

In view of the foregoing, Applicants submit that they filed a Response to the June 6, 2002 Office Action in a timely manner. The Commissioner is respectfully requested to restore the above-identified application to pending status and to return the application to the Examiner for further prosecution.

**FEE**

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any fees which may be due. However, since it is believed that the erroneous holding of abandonment is a result of circumstances not attributable in any way to Applicants or their representatives, it is respectfully submitted that no fee is due.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

Michael E. Kondoudis

Attorney for Applicants  
Michael E. Kondoudis  
Registration No. 42,758

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30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

MEK/cmv

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In re Application of:

YUJI INOUE ET AL.

Application No.: 09/096,515

Filed: June 12, 1998

For: BUILDING MATERIAL, CLADDING ASSEMBLY,  
METHOD OF INSTALLING BUILDING MATERIAL,  
AIR FLOWING APPARATUS AND GENERATOR



Docket No. 03560.002190

Examiner: D.L. Dorsey

Art Unit: 3637

Date: December 6, 2002

COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

## RECEIVED

JAN 10 2003

GROUP 3600

Sir:

Transmitted herewith is a Response To Office Action in the above-identified application.

No additional fee is required.

The fee has been calculated as shown below

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	* 117	MINUS	** 117	= 0	x \$9 \$18	\$0.00
INDEP. CLAIMS	* 24	MINUS	*** 24	= 0	x \$42 \$84	\$0.00
Fee for Multiple Dependent claims \$140°/\$280						\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						\$0.00

\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

°Verified Statement claiming small entity status is enclosed, if not filed previously.

A check in the amount of \$\_\_\_\_\_ is enclosed.

Charge \$\_\_\_\_\_ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.

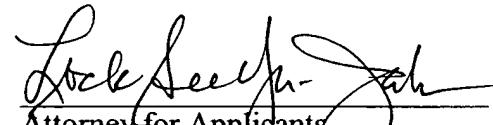
Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate copy of this paper is enclosed.

A check in the amount of \$920.00 to cover the fee for a three-month extension is enclosed.

A check in the amount of \$180.00 to cover the Information Disclosure Statement fee is enclosed.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicants  
~~LOCK SEE JR-JAMES~~  
Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

Form #120

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